



THE CITY OF SAN DIEGO

## REPORT TO THE HEARING OFFICER

HEARING DATE: July 27, 2005

REPORT NO. HO-05-136

ATTENTION: Hearing Officer

SUBJECT: ARIA MAP WAIVER - PROJECT NUMBER: 50690

LOCATION: 1401 9<sup>th</sup> Avenue

APPLICANT: Joshua Hanna/Anka Development.

### SUMMARY

Requested Action - Should the Hearing Officer approve Map Waiver No. 151425 for the development of 137 residential condominium units with four (4) levels below grade parking?

Staff Recommendation - APPROVE Map Waiver 151425

Community Planning Group Recommendation - On July 23, 2004, the Center City Advisory Committee (CCAC) approved Development Permit No. 2004-03 for the development of 137 residential units and has no objections regarding the map waiver.

Environmental Review – an Environmental Secondary Study and Mitigation Monitoring Plan was prepared for the project by CCDC in conformance with the Master Environmental Impact Report (MEIR) for Centre City and Final Subsequent Environmental Impact Report (SEIR). The Study concluded that the project was consistent with the Centre City Community Plan and Planned District Ordinance and therefore no additional environmental review is required.

### BACKGROUND

The currently vacant project site is approximately 0.51-acre, or 22,099 square-feet, located at 1401 9<sup>th</sup> Avenue, at the northeast corner of Ash Street and 9<sup>th</sup> Avenue, between Beech Street, and Ash Street, in the Centre City Planned District. The project lies within the Cortez Neighborhood and the CCPD-G Zone of the Centre City Planned District, and the Airport Approach Overlay Zone (AAOZ). This Map Waiver is to allow 137 residential units (already under construction) be developed as condominiums. CCDC has issued Development Permit 2004-03 for this site to

construct a development with approximately 137 residential units. The property is designated for Hotel/Residential District (HR) land use, and is intended to accommodate high intensity residential and hotel development.

## DISCUSSION

The project proposes the development of 137 condominium units in one building. Section 125.0120 of the City's Land Development Code establishes a discretionary process which allows an applicant to request, and the Hearing Officer to consider, a waiver from tentative map requirements for subdivision proposals which demonstrate compliance with the State's Subdivision Map Act. Staff has determined that the proposed waiver conforms to the applicable requirements of the State's Subdivision Map Act Section 66428. Therefore, the requirements for a tentative and final map may be waived for this project, with the attached conditions. A condition of the Map Waiver requires approval of a Certificate of Compliance. The condominium units may not be offered for individual sale until the Certificate of Compliance is approved by the City Manager.

### Affordable Housing:

The project application was deemed complete on October 7, 2004, and is subject to the Inclusionary Affordable Housing Regulations.

Prior to the issuance of any building permits, the developer shall comply with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code).

Airport Approach: This project is located within the Airport Approach Overlay Zone (AAOZ); applicant has submitted a letter from the Federal Aviation Administration (FAA) with the Determination of No Hazard to Air Navigation for this site under signature control No: 410497-360515.

## CONCLUSION

Staff has reviewed the request for a Map Waiver to waive the requirements for a Tentative Map for the subdivision of land for the creation of 137 condominium units, and has determined that the project conforms to the applicable requirements of the State's Subdivision Map Act Section 66428. Therefore, the requirements for a tentative and final map may be waived for this project, with the attached conditions. A Certificate of Compliance will need to be recorded in the Office of the County Recorder, prior to the Waiver Expiration date.

## ALTERNATIVE

1. Approve Map Waiver No. 151425, with modifications.
2. Deny Map Waiver No. 151425, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

---

Laila Iskandar, Development Project Manager

Attachments:

1. Aerial Photograph
2. Draft Resolution with Findings
3. Ownership Disclosure Statement